

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Chanan Berkovits	Team: Team # 8	CCRB Case #: 201006522	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 05/13/2010 8:00 PM	Location of Incident: § 87(2)(b)	Precinct: 46	18 Mo. SOL 11/13/2011	EO SOL 11/13/2011	
Date/Time CV Reported Mon, 05/17/2010 9:13 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 05/17/2010 9:13 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Kevin Martin	24921	941068	046 PCT
2. Officers			046 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Hugh Mackenzie	02488	925647	046 PCT

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Abuse: Officers stopped § 87(2)(b)	§ 87(2)(b)
B. Officers	Force: Officers used physical force against § 87(2)(b)	§ 87(2)(b)
C.POM Kevin Martin	Force: PO Kevin Martin hit § 87(2)(b) against a wall.	§ 87(2)(b)
D.POM Kevin Martin	Force: PO Kevin Martin used physical force against § 87(2)(b)	§ 87(2)(b)
E.POM Kevin Martin	Discourtesy: PO Kevin Martin spoke rudely to § 87(2)(b)	§ 87(2)(b)

Case Summary

§ 87(2)(b) filed a complaint with the CCRB over the phone on May 17, 2010. On May 13, 2010, at approximately 8:00 PM, § 87(2)(b) was exiting his apartment located at § 87(2)(b) in the Bronx. PO Kevin Martin and Sgt. Hugh Mackenzie approached him and told him to stop. The officers pinned his hands on the wall and claimed that § 87(2)(b) had just come out of the stairwell. The officers took § 87(2)(b) to the ground and slammed his head against the hallway wall. The officers took § 87(2)(b) into an elevator. PO Martin bent § 87(2)(b)'s head down and struck his head against the elevator wall. PO Martin also "[struck] a blow" at § 87(2)(b). PO Martin told § 87(2)(b) "You stupid motherfucker. I don't give a fuck. You should have never tried to resist." When the officers and § 87(2)(b) got downstairs, PO Martin said, "I don't give a fuck; the elevator camera don't work." § 87(2)(b) sustained a fractured collarbone and head bruises.

§ 87(2)(b) identified PO Kevin Martin of the 46th Precinct as the officer who struck his head against the elevator wall, struck his person, and cursed at him. § 87(2)(b) provided PO Martin's name and shield number as well as an accurate physical description of him. Arrest documents confirmed that PO Martin was § 87(2)(b)'s arresting officer. Therefore, hit against inanimate object, physical force, and discourteous word allegations have been pleaded against PO Martin. Since § 87(2)(b) never described the specific roles which each of the officers played, in stopping him and in the other physical force used against him, stopped and physical force allegations have been pleaded against "Officers" from the 46th Precinct.

The investigation made the following attempts to obtain an official statement from § 87(2)(b). § 87(2)(b) scheduled an appointment to provide an official statement on June 3, 2010. § 87(2)(b) failed to appear for that appointment. On June 3, 2010, a missed appointment letter was mailed to § 87(2)(b). Between June 4, 2010, and June 7, 2010, two calls were placed to § 87(2)(b) and two messages were left. As of the date below, those contact attempts have elicited no response. § 87(2)(g)

Team: 8

:

Investigator: _____	Chanan Berkovits	June 14, 2010
Signature	Print	Date
Supervisor: _____	_____	_____
Title/Signature	Print	Date
Reviewer: _____	_____	_____
Title/Signature	Print	Date
Reviewer: _____	_____	_____
Title/Signature	Print	Date